

ASSEMBLY BILL

No. 1402

Introduced by Assembly Member Blakeslee

February 22, 2005

An act to amend Section 84207 of, and to add Article 1.5 (commencing with Section 84730) to Chapter 5 of Part 50 of, the Education Code, relating to community colleges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1402, as introduced, Blakeslee. Community colleges: property tax revenues.

(1) Existing law requires the county auditor of each county to furnish to the Board of Governors of the California Community Colleges, on or before November 15 of each year, the actual previous year's receipts, along with estimated current year receipts for secured tax receipts, unsecured tax receipts, prior year tax receipts, timber tax receipts, and any other appropriate taxes or subventions for each community college district or portion of a district situated within the county.

This bill instead would require the county auditor of each county to furnish estimated previous year's receipts along with the estimated current year receipts to the Board of Governors of the California Community Colleges on or before November 15 of each year, and would require the county auditor of each county to furnish actual previous year's receipts, along with revised estimates of current year receipts, to the Board of Governors of the California Community Colleges on or before April 30 of each year, thereby imposing a state-mandated local program.

(2) Existing law requires the Chancellor of the California Community Colleges, in calculating each community college district's revenue level for each fiscal year, to subtract, among other things, local property tax revenue specified by law for general operating support, exclusive of bond interest and redemption, from the total revenues owed.

This bill would require the annual Budget Act to specify the total local property tax revenue, as defined, student enrollment fee revenue, and federal oil and mineral resource and donations revenue for community college districts upon which the General Fund appropriation for community college districts is based.

The bill would require the chancellor to certify to the Controller, at specified times, the amount of local property tax revenue and student enrollment fee revenue estimated for the current year and actual property tax revenue and student enrollment fee revenue for the prior fiscal year.

The bill would require the Controller to transfer funds between the General Fund and Section B of the State School Fund, as applicable, based on whether the amount of property tax revenue and student enrollment fee revenue received plus any previous amount transferred to Section B of the State School Fund is greater than or less than the amount specified in the annual Budget Act. The bill would thereby make an appropriation. To the extent that the funds appropriated by this bill are allocated to community college districts for purposes of the bill, the funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 84207 of the Education Code is amended to read:

84207. On or before November 15 of each year, the county auditor of each county shall furnish to the Board of Governors of the California Community Colleges ~~the actual~~ *estimated* previous year's receipts, along with estimated current year receipts for secured tax receipts, unsecured tax receipts, prior year tax receipts, timber tax receipts, and any other appropriate taxes or subventions for each community college district or portion of a district situated within his or her county. ~~This~~

(b) *On or before April 30 of each year, the county auditor of each county shall furnish actual previous year's receipts, along with revised estimates of current year receipts, to the Board of Governors of the California Community Colleges.*

(c) *The information shall be forwarded on forms prescribed by the Board of Governors of the California Community Colleges.*

SEC. 2. Article 1.5 (commencing with Section 84730) is added to Chapter 5 of Part 50 of the Education Code, to read:

Article 1.5. Local Property Tax Revenue Allocation

84730. (a) The annual Budget Act shall specify the total local property tax revenue (net of excess), student enrollment fee revenue (net), and federal oil and mineral resource and donations revenue for community college districts upon which the General Fund appropriation for community college districts is based. For purposes of this section, "total local property tax revenue" means local property tax revenue as described in subdivisions (a), (d), and (e) of Section 84751, and does not include the revenue described in subdivision (b) of Section 84751.

(b) The Chancellor of the California Community Colleges shall certify to the Controller, on or before December 31 of each year and on or before May 31 of each year, the amount of local property tax revenue and student enrollment fee revenue estimated for the current year as reported to the chancellor's office pursuant to this part for use in the calculation of state general apportionment. The chancellor shall certify to the Controller, on or before May 15 of each year, the actual property

1 tax revenue and student enrollment fee revenue for the prior year
2 based on information reported on each district's Annual
3 Financial and Budget Report and Actual Enrollment Fee
4 Revenue Report.

5 (c) If the total amount of property tax revenue and student
6 enrollment fee revenue identified in subdivision (a) is greater
7 than the amount of property tax revenue and student enrollment
8 fee revenue identified in subdivision (b) plus any previous
9 amount transferred to Section B of the State School Fund
10 pursuant to this section for the same period, the Controller, at the
11 time of the next general apportionment certification by the
12 chancellor, shall transfer an amount equal to the difference from
13 the General Fund to Section B of the State School Fund for the
14 purposes of Section 84750. If the amount of property tax revenue
15 and student enrollment fee revenue identified in subdivision (b)
16 plus any previous amount transferred to Section B of the State
17 School Fund pursuant to this section is greater than the amount of
18 property tax revenue and student enrollment fee revenue
19 identified in subdivision (a) for the same period, the Controller,
20 at the time of the next general apportionment certification by the
21 chancellor, shall transfer an amount equal to the difference from
22 Section B of the State School Fund to the General Fund.

23 SEC. 3. Notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this
25 act contains costs mandated by the state, reimbursement to local
26 agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code. If the statewide cost of the
29 claim for reimbursement does not exceed one million dollars
30 (\$1,000,000), reimbursement shall be made from the State
31 Mandates Claims Fund.